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Intellectual Property Administration
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Loveland, Colorado 80537-0599

ATTORNEY DOCKET NO. 10010648-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Rene P Helbing

Serial No.: 10/071358

Examiner: Craig Curtis

Filing Date: February 8, 2002

Group Art Unit: 2872

Title: Optical Signal Control Device And Method For Utilizing Same

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COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, Sept. 22, 2004, rejecting the following claims 24, 29-30, and 33-35.

The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<input checked="" type="checkbox"/>	one month	\$ 120.00
<input type="checkbox"/>	two months	\$ 450.00
<input type="checkbox"/>	three months	\$1020.00
<input type="checkbox"/>	four months	\$1590.00

The extension fee has already been filed in this application.

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 50-1078 the sum of \$820.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: OR

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

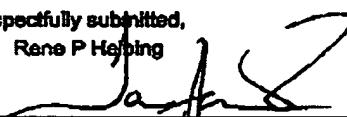
Date of Facsimile: January 18, 2005

Typed Name: Linda Aglimura

Signature: Linda B. Aglimura

Respectfully submitted,
Rene P Helbing

By


Ian Hardcastle
Attorney/Agent for Applicant(s)

Reg. No. 34,075

Date: January 18, 2005

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